

REMARKS

Applicants reply to the Office Action dated on March 30, 2010, within three months. Claims 1-72 are pending, but claims 32-43 and 47-72 have been withdrawn from consideration. Applicants also cancel claims 16, 17 and 25 without prejudice to filing one or more claims having similar subject matter in other applications. The Examiner rejects claims 1-4, 10-11, 14-21, 22-25, 31 and 44-46. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter is entered with these amendments. For example, support for the above amendments can be found on page 80, lines 32-33 of the corresponding WO2005/042730A2. Applicants respectfully request reconsideration of this application.

The Examiner rejects claims 1-4, 10-11, 14-21, 22-25, 31 and 44-46 under 35 USC 102(b) as being anticipated by Pitt (WO 00/53795). The Examiner next rejects claims 1-13, 14-21, 22-25, 27, 31 and 44-46 under 35 USC 102(b) as being anticipated by Artecell (WO 01/62901). The Examiner next rejects claims 1-31 and 44-46 under 35 USC 103(a) as being obvious in light of Pitt and Artecell. Applicants respectfully disagree with these rejections, but to expedite prosecution, Applicants submit amendments to clarify certain claims.

The Examiner asserts that Pitt teaches a method of preparing a stem cell by taking a lipoaspirate sample, treating the sample with collagenase and centrifuging the sample multiple times to separate the cells from other cells including erythrocytes. The Examiner further asserts that Artecel teaches a method of preparing a stem cell by taking a lipoaspirate sample and centrifuging the sample using a density gradient medium Ficoll or Percoll to separate the cells from other cells including erythrocytes. Thus, the Examiner asserts that claims 1-4, 10-11, 14-21, 22-25, 31 and 44-46 are anticipated by Pitt; claims 1-13, 14-21, 22-25, 27, 31 and 44-46 are anticipated by Artecell, and claims 1-31 and 44-46 are obvious in view of Pitt and Artecel.

Applicants assert that the amended claims now more clearly specify methods without collagenase treatment that are novel and attain significant effects that could not

have been expected, even in view the disclosures of Pitt and Artecel, alone or in combination. Specifically, Applicants assert that the claimed method omits collagenase, yet results in an improved yield of a population of surprisingly good quality, homogenous, adipose-derived stem cells. Further, claimed invention is simple and works in a surprisingly efficient manner, as compared to conventional techniques whereby the use of collagenase is required to separate fat tissue from the starting liposuction material. Importantly, the claimed invention omits the use of collagenase, and results in stem cells.

In contrast, Applicants strongly assert that Pitt and Artecel teach away from the claimed invention, in that the cited references teach preparing adipose-derived stem cells from liposuction, whereby collagenase treatment is essential to remove extracellular matrices to separate cells from fat tissue. However, such a step (as disclosed in the prior art) is a source of contamination and often time consuming. As such, Applicants assert that those skilled in the art, even in view of the disclosures of Pitt and Artecel, would not have been motivated to conceive the claimed invention which excludes collagenase treatment. As such, Applicants assert that neither Pitt, Artecel, nor any combination thereof disclose or contemplate at least “without collagenase treatment,” as similarly recited in independent claims 1, 14, 22 and 44-46. Thus, Applicants assert that the claimed invention is therefore novel and inventive in view of the disclosure of Pitt and Artecel.

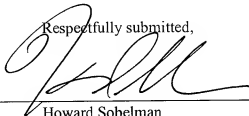
Dependent claims 2-4, 10-11, 15, 18-21, 23-24, and 31 variously depend from 1, 14 and 22, so Applicants assert that dependent claims 2-4, 10-11, 15, 18-21, 23-24, and 31 are differentiated from the cited references for the same reasons as set forth above, in addition to their own respective features.

When a phrase similar to “at least one of A, B, or C” or “at least one of A, B, and C” is used in the claims or specification, Applicants intend the phrase to mean any of the following: (1) at least one of A; (2) at least one of B; (3) at least one of C; (4) at least one of A and at least one of B; (5) at least one of B and at least one of C; (6) at least one of A and at least one of C; or (7) at least one of A, at least one of B, and at least one of C.

Applicants respectfully submit that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees which may be

required, or credit any overpayment, to Deposit Account No. **19-2814**. Applicants invite the Examiner to telephone the undersigned, if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,



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By: _____

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